

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,

v.

FOGLI FAMILY ENTERPRISES, LLC, *et al.*,
Defendants.

Case No. [21-cv-07009-SI](#)

**ORDER TO SHOW CAUSE WHY THE
COURT SHOULD NOT DECLINE TO
EXERCISE SUPPLEMENTAL
JURISDICTION**

On January 26, 2022, defendants moved to dismiss this case for lack of subject matter jurisdiction. That motion primarily addresses standing and does not address supplemental jurisdiction.

In addition to addressing the arguments defendants have raised, plaintiff Scott Johnson is ORDERED TO SHOW CAUSE why, if the Court determines that it has subject matter jurisdiction over Johnson's federal claim under the Americans with Disabilities Act ("ADA"), the Court should not decline to exercise supplemental jurisdiction over Johnson's state-law Unruh Act claim for the reasons stated in *Arroyo v. Rosas*, 19 F.4th 1202 (9th Cir. 2021). Although that decision held that a district court erred in declining to exercise jurisdiction over an Unruh Act claim when the court had already determined the plaintiff was entitled to judgment on a parallel ADA claim, the Ninth Circuit had "little difficulty concluding that the district court did not abuse its discretion in concluding that the situation presented . . . involves 'exceptional circumstances'" sufficient to decline supplemental jurisdiction if the issue had been raised at an earlier stage of the case. *Id.* at 1214. Accordingly, Johnson's opposition brief, which is due February 9, 2022, must address why exercising supplemental jurisdiction over his Unruh Act claim is appropriate if any portion of the

case survives defendants' motion.

IT IS SO ORDERED.

Dated: January 27, 2022



SUSAN ILLSTON
United States District Judge